

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Marlon Jermaine Lemon,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 2:25-cv-1965-BHH
v.	)	
	)	<b><u>ORDER</u></b>
Zachary Paul Pope, and	)	
Accusweep Services, LLC,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court upon Plaintiff Marlon Jermaine Lemon's ("Plaintiff") pro se complaint against the above-named Defendants. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On June 6, 2025, the Magistrate Judge issued a report and recommendation ("Report"), outlining the issues and recommending that the Court summarily dismiss Plaintiff's complaint because Plaintiff's claims fall under the purview of 42 U.S.C. § 1983 but Plaintiff cannot pursue a § 1983 claim against Defendants, who are a private individual and a private company. (ECF No. 9 at 4.) Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, no objections to the Report have been filed, and the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate’s analysis. As the Magistrate Judge correctly concluded, the complaint contains no allegations to support a reasonable inference of state action on the part of Defendants in connection with the alleged car wreck. **Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 9), and the Court dismisses this matter without prejudice and without leave to amend.**

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
United States District Judge

June 25, 2025  
Charleston, South Carolina